

Message Text

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TO AMEMBASSY NASSAU

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E.O. 11652: N/A

TAGS: MILI, BF

SUBJ: RECIPROCITY FOR CLAIMS

1. US NAVY HAS RECEIVED CLAIM UNDER US PUBLIC VESSELS ACT FROM BAHAMIAN NATIONAL DAVID CLEARE (REPRESENTED BY LAW FIRM OF CHRISTIE, INGRAHAM AND CO.) ALLEGING DAMAGE TO HIS FISHING VESSEL CAUSED BY SUBMERGED PILING NEAR AUTEC RANGE OFF ANDROS ISLAND.

2. IN ORDER TO PROCESS CLAIM, US LAW (46 USC 785) REQUIRES THAT GOVERNMENT OF CLAIMANT'S NATIONALITY WOULD PERMIT US NATIONALS TO BRING SIMILAR CLAIMS AGAINST THAT GOVERNMENT AND GRANT THEM ACCESS TO ITS COURTS.

3. UK LAW PROVIDES NECESSARY RECIPROCITY FOR PURPOSES OF PUBLIC VESSELS ACT AND CLAIMS ARISING IN BAHAMAS PRIOR TO INDEPENDENCE PROCESSED IN RELIANCE UPON APPLICABLE UK LAW. EMBASSY IS REQUESTED TO ADVISE WHETHER GCOB CONTINUES TO FOLLOW UK LAW PERMITTING US CITIZENS TO HAVE UNCLASSIFIED

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ACCESS TO BAHAMIAN COURTS IN CIRCUMSTANCES SIMILAR TO

THOSE ABOVE DESCRIBED CLAIM, OR WHETHER GCOB HAS EFFECTED ANY CHANGE IN ITS LAW THAT WOULD DENY OR RESTRICT SUCH RECIPROCITY.

4. QUESTION OF US CITIZENS ACCESS TO FOREIGN COURTS, PARTICULARLY IN CONNECTION WITH CLAIMS AGAINST FOREIGN GOVERNMENTS, ARISES IN SEVERAL US STATUTES (SEE E.G. 28 USC 2502) AND IS OF RECURRENT INTEREST IN CONNECTION WITH SUITS FILED IN US COURTS. ACCORDINGLY ANY GENERAL INFORMATION THAT THE EMBASSY MAY BE IN A POSITION TO PROVIDE ON THIS SUBJECT, APART FROM ADMIRALTY CLAIMS, WOULD BE MOST WELCOME.

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